

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PHILIP FLOYD,	§
Plaintiff	§
vs.	§
ANDREA K. BOURESSA, <i>In her official capacity as a State of Texas District Court Judge for Collin County, Texas, RYAN HACKNEY, PATRICK YARBOROUGH, ELIAS DRAGON, MMWKM ADVISORS, LLC, SETH KRETZER AND JIM SKINNER, In his official capacity as Sheriff of Collin County, Texas, Defendants.</i>	§ CIVIL ACTION NO. 4:24-CV-00681

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE
SETH KRETZER

Plaintiff, PHILIP FLOYD, asks the court to authorize substitute service pursuant to Federal Rules of Civil Procedure, Rule 4 as to Seth Kretzer ("Defendant") and would show unto the Court as follows.

1. Defendant's employment address is 917 Franklin St., 6th Floor, Houston, TX 77002.
2. Plaintiff has attempted but failed to personally serve Seth Kretzer ("Defendant") at his place of employment on three or more separate occasions. These service attempts and the facts appurtenant thereto are set forth in Exhibit 1 which is attached hereto and is incorporated herein by reference for all purposes.

It further appears to the Court that the manner of service ordered herein will be reasonably effective to give said defendant notice of the lawsuit.

3. Plaintiff asks the court to authorize to Plaintiff to serve Defendant by any one of the following methods:
 - A. By Delivering a true copy of the SUMMONS with Citation and Order authorizing substituted service attached, with anyone more than sixteen (16) years of age at 917 Franklin St., 6th Floor, Houston, TX 77002-1741, OR,
 - B. By Attaching a true copy of the SUMMONS with Citation and Order authorizing substitute service, securely to the front door or entry way at

917 Franklin St., 6th Floor, Houston, TX 77002-1741, and if the property is locked, by attaching securely to the front door at 917 Franklin St., Houston, TX 77002-1741.

4. Plaintiff asserts to the Court that the manner of service ordered herein will be reasonably effective to give said Defendant notice of the lawsuit.
5. Plaintiff attaches the Proof of Service of Plaintiff's process server to this motion to establish facts not apparent from the record and incorporates same by reference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the motion for substitute service be Granted.

Respectfully Submitted,

/s/ Douglas T. Floyd
DOUGLAS T. FLOYD
Attorney for Plaintiff
6521 Preston Rd., Suite 100
Plano, Texas 75024
214-704-7081
877-846-3149 Fax
SBN: 07181700
Lawyerfloyd@aol.com

Civil Action No. **4:24-cv-00681**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for **Seth Kretzer**
was received by me on **7/30/2024**:

- I personally served the summons on the individual at *(place)* on *(date)* ; or
- I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- I returned the summons unexecuted because ; or
- Other *(specify)*

My fees are \$ 0 for travel and **\$ 109.29** for services, for a total of **\$ 109.29**.

I declare under penalty of perjury that this information is true.

Date: 08/03/2024



Server's signature

Eric M Jimenez

Printed name and title

**319 Aurora St
Houston, TX 77008**

Server's address

Additional information regarding attempted service, etc:

7/30/2024 1:32 PM: I spoke with an individual who identified themselves as the receptionist and they stated subject employed but not available at this time. Per Alejandra at the reception desk the subject is not in the office at this time and does not have a time he will be available

7/31/2024 8:51 AM: I spoke with an individual who identified themselves as the receptionist and they stated subject employed but not available at this time. Per the receptionist Alejandra the subject is not in the office at this time and does not have a time he will be in.

8/1/2024 6:16 PM: I was unable to access the address due to secured building although I waited and called available phones, call box.

8/2/2024 2:05 PM: I was unable to access the address due to business closed although I waited. No one is at the



Tracking #: 0139524947



Civil Action No. **4:24-cv-00681**

**reception desk or in office after ringing the bell
8/3/2024 11:35 AM: I was unable to access the address due to secured building.**



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